

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
LOCAL 3707,

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO,

and

NATIONAL ASSOCIATION OF GOVERNMENT  
EMPLOYEES, INC.,

*Plaintiffs,*

v.

CHARLES EZELL, in his official capacity as Acting  
Director of the Office of Personnel Management,

and

OFFICE OF PERSONNEL MANAGEMENT,

*Defendants.*

CIVIL ACTION  
NO. 1:25-cv-10276

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE STATES  
OF HAWAI'I, MASSACHUSETTS, ARIZONA, CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE, ILLINOIS, MAINE, MARYLAND, MICHIGAN,  
MINNESOTA, NEVADA, NEW JERSEY, NEW YORK, NORTH CAROLINA,  
OREGON, RHODE ISLAND, VERMONT, WASHINGTON, AND THE DISTRICT OF  
COLUMBIA IN SUPPORT OF PLAINTIFFS' APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER**

Proposed Amici Curiae Hawai'i, Massachusetts, Arizona, California, Colorado,  
Connecticut, Delaware, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey,

New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia (“Amici States”) move for leave to file an amicus brief in support of Plaintiffs’ application for a temporary restraining order. In support of the motion, Amici States assert the following:

1. Amici States include sovereign states that are home to hundreds of thousands of federal employees who provide important government services to Amici States and their residents.

2. Amici States support Plaintiffs’ application for a temporary restraining order because the public interest is harmed by the “Fork in the Road” Directive issued by the U.S. Office of Personnel Management on January 28, 2025 (“Fork Directive”) that is the subject of Plaintiffs’ lawsuit.

3. It is within a court’s “sound discretion” whether to permit amicus briefing. *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). Amicus briefing may be permitted “to assist the court in cases of great public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.), *aff’d*, 807 F.3d 472 (1st Cir. 2015) (internal citations and quotations omitted).

4. The proposed brief will assist the Court in its consideration of the pending motion, because Amici States can speak to the disruption to crucial federal-state partnerships caused by the Fork Directive and why immediate relief is in the public interest.

5. Counsel for the Amici States have conferred with counsel of record for the parties in this case and the Plaintiffs and Defendants do not oppose this motion.

6. A true and correct copy of Amici States' proposed brief is attached to this motion as **Exhibit A**.

### **CONCLUSION**

For the foregoing reasons, Amici States respectfully request that the Court grant the motion for leave to file the attached brief.

Respectfully submitted,

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**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1**

I, David D. Day, Special Assistant to the Attorney General for the State of Hawai'i, hereby certify that I have conferred with counsel of record for the parties in this case via email in a good faith attempt to resolve and narrow the issues posed by the motion. I further certify that the motion is unopposed.

/s/ David D. Day

David D. Day

Special Assistant to the Attorney General  
State of Hawai'i Department of the Attorney  
General

**CERTIFICATE OF SERVICE**

I, Hannah C. Vail, hereby certify that I have this day, February 9, 2025, served the foregoing document upon all parties of record, by electronically filing to all ECF-registered parties and by sending a copy, first-class mail, postage prepaid to all unregistered parties.

/s/ Hannah C. Vail

Hannah C. Vail